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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,669	11/07/2002	Alan Joseph Janicek	03DV-7118	9287

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EXAMINER

HA, NGUYEN T

ART UNIT PAPER NUMBER

2831

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

OK

<b>Office Action Summary</b>	<b>Application No.</b> 10/065,669	<b>Applicant(s)</b> JANICEK ET AL.	
	<b>Examiner</b> Nguyen T. Ha	<b>Art Unit</b> 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-8, drawn to a method of fabricating a run capacitor/positive temperature coefficient resistor/overload, classified in class 29, subclass 612.
  - II. Claims 9-17, drawn to a run capacitor/positive temperature coefficient resistor/over load, classified in class 310, subclass 68 R.
  - III. Claims 18-32, drawn to a run capacitor/positive coefficient resistor/overload with a first surface, classified in class 361, subclass 306.3.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I and Groups II and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product of Groups II and III, can be made a materially different process, such as one that has a completely different order of steps than what is recited in Group I
3. Inventions Groups II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if

they are shown to be separately usable. In the instant case, invention Group II has separate utility such as PCT resistor in base compartment. See MPEP § 806.05(d).

4. During a telephone conversation with Reeser, Robert on 3/30/2004 a provisional election **was made traverse to prosecute the invention of Group III, claims 18-32.**

Affirmation of this election must be made by applicant in replying to this Office action.

Claims 1-8 of Group I and claims 9-17 of Group II has been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 18-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Koehler et al. (US 6,773,272).

Regarding claim 18, Koehler et al. disclose and electrical connector assembly (figures 1-13) comprising:

- a first surface/ bottom wall (24);
- a plurality of sidewalls (26 & 28) that extend from the first surface and are integrally formed with the first surface (24), said sidewalls extend from the

- first surface and form a compartment (22) that is sized to at least partially receive a run capacitor (58) assembly therein;
- at least one aperture (20) extending through said cover internal to the compartment (figure 1);
  - a second surface/cover (18), opposite to the first surface and;
  - a plurality of projections/latches (76) extending from the second surface (figure 10).

Regarding claim 19, Koehler et al. disclose the cover sidewalls extend substantially perpendicularly from the cover first surface (figure 1).

Regarding claim 20, Koehler et al. disclose the run capacitor (58) assembly comprising a run capacitor and at least one electrical terminal (60) is positioned within the cover compartment such that the terminal extends through the aperture (figure 6).

Regarding claim 21, Koehler et al. disclose the run capacitor (58) assembly is potted in the cover compartment.

Regarding claim 22, Koehler et al. further comprises at least one aperture (32) extending through the cover external to the cover compartment to receive at least one electrical terminal assembly (figure 1).

Regarding claim 23, Koehler et al. further comprises a wall/support member (44) integrally formed with the cover first surface, said wall circumscribing the aperture (figure 1).

Regarding claim 24, Koehler et al. a portion of the cover extends into the cover compartment (figure 1).

Regarding claim 25, Koehler et al. disclose the plurality of projections are configured to extend into a base compartment to engage a plurality of components disposed internally in the base compartment (figure 8).

Regarding claim 26, Koehler et al. disclose an electrical connector assembly (figures 1-13) comprising:

- a first surface/ bottom wall (24);
- a plurality of sidewalls (26 & 28) that extend from the first surface and are integrally formed with the first surface (24), said sidewalls extend from the first surface and form a platform (22) that is sized to at least partially receive a run capacitor (58) assembly thereon;
- at least one aperture (20) extending through said platform cover internal to the compartment (figure 1);
- a second surface/cover (18), opposite to the first surface and;  
a plurality of projections/latches (76) extending from the second surface (figure 10).

Regarding claim 27, Koehler et al. disclose the cover sidewalls extend substantially perpendicularly from the cover first surface (figure 1).

Regarding claim 28, Koehler et al. disclose the run capacitor (58) assembly comprising a run capacitor and at least one electrical terminal (60) is positioned within the platform such that the terminal extends through the aperture (figure 6).

Regarding claim 29, Koehler et al. disclose an enclosure couples to the cover circumscribing the platform and enclosing the run capacitor assembly, the enclosure filled by a potting material thereby encapsulating the run capacitor assembly (figure 1).

Regarding claim 30, Koehler et al. further comprises at least one aperture (32) extending through the cover external to the platform to receive at least one electrical terminal assembly (figure 1).

Regarding claim 31, Koehler et al. further comprises a wall/support member (44) integrally formed with the cover first surface, said wall circumscribing the aperture (figure 1).

Regarding claim 32, Koehler et al. disclose the plurality of projections are configured to extend into a base compartment to engage a plurality of components disposed internally in the base compartment (figure 8).

#### **Citation Relevant of Prior Art**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Stilianos et al. (US 6,459,042) disclose electrical connector with an electrical component holder.

b. Morin et al. (US6,231,370) disclose electrical connector for leaded electronic component.

#### **Conclusion**

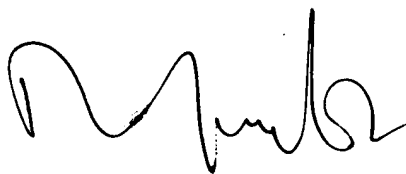
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T. Ha whose telephone number is 571-272-

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1974. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Nguyen T. Ha', with a stylized, cursive script.

**Nguyen T. Ha**  
**March 16, 2005**